

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

IN RE: VONAGE MARKETING AND
SALES PRACTICE LITIGATION

MDL 1862

AUG 07 2012

AT 8:30
WILLIAM T. WALSH, CLERK

Civ. Action No. 3:07-cv-03906-
FLW-DEA

BUDD NAHAY, ROBERT
STARRETT, ALEX NEVELSON,
ERIC TERRELL, DARLENE
PENNOCK, FRANCESCO TRAMA
and JOHN STEWART, on behalf of
themselves and all others similarly
situated,

Plaintiffs,

-against-

VONAGE AMERICA, INC.,
VONAGE HOLDINGS CORP., and
VONAGE MARKETING INC.,

Defendants.

**JOINT REQUEST FOR *CY*
PRES RECIPIENTS**

WHEREAS, the Class Settlement Agreement in this litigation received preliminary approval on January 3, 2011 and final approval by the Court on May 12, 2011;

WHEREAS, the Class Settlement Agreement created a common benefit fund with any remaining funds to be part of a *cy pres* distribution: "In the event that cash remains left in [the Common Fund] after the Claim Period has expired, such cash will be allocated to pay Claims under the other category(ies) to the extent such fund has become inadequate to fully pay relevant Approved Claims. In the event that cash remains left from the Common Fund after such re-allocation,

this cash shall be distributed *cy pres* as selected by Plaintiffs' Counsel and Vonage's Counsel, and approved by the Court";

WHEREAS, the Court-Approved notice plan included notice of the potential *cy pres* distribution, and no objections were received regarding this provision;

WHEREAS, the claims period has expired;

WHEREAS, the Parties have reported to the Court in their Joint Request for *Cy Pres* Recipients that all eligible claims have been paid to the Class in full and that funds still remain in the Common Fund;

IT IS HEREBY ORDERED that the Settlement Administrator shall make any and all final payments owing from Common Fund and that all funds remaining in the Common Fund thereafter shall be distributed as follows:

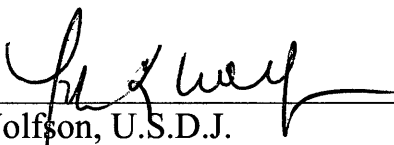
40% of the remaining funds shall be distributed to VFW Operation Uplink;

30% of the remaining funds shall be distributed to Community Voice Mail;

and

30% of the remaining funds shall be distributed to the National Consumer Law Center.

Dated: Aug + 7, 2012


Wolfson, U.S.D.J.